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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,884	03/30/2001	Geetha Ravishankar	95-461	4452
23164	7590	08/02/2004	EXAMINER	
LEON R TURKEVICH			LESNIEWSKI, VICTOR D	
2000 M STREET NW			ART UNIT	
7TH FLOOR			PAPER NUMBER	
WASHINGTON, DC 200363307			2155	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/820,884	Applicant(s) RAVISHANKAR ET AL.	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) 6,24 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/13/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. Claims 1-40 are now pending.

Information Disclosure Statement

3. The IDS filed on 6/13/2001 has been considered.

Claim Objections

4. Claims 6, 24, and 35 are objected to because of the following informalities:
 - Claims 6, 24, and 35 contain terminology inconsistent with claims on which they depend as well as with the disclosure. Namely, the claims objected to state an “audible subscriber announcement” and an “alternate subscriber identifier” where it is supposed that they are referring to an audible subscriber identifier and an alternate subscriber announcement respectively.
 - Claim 24 refers to “the medium of claim 3” although claim 3 does not disclose a medium. It is assumed that the claim is referring to the medium of claim 23.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ram et al. (U.S. Patent Number 6,625,258), hereinafter referred to as Ram, in view of Weinberg (U.S. Patent Number 5,138,311).

7. Ram disclosed a system for providing unified communication services. His system is made up of a virtual assistant system that interfaces to both a telephone network and a data network in order to provide multimedia communications support. In general, the system utilizes a normal voice messaging system, in addition to other services, that allows subscribers to create personal profiles, leave greetings for users who contact their mailboxes, and send and receive voice mail as is widely recognized in the art. See column 3, lines 10-20. In an analogous art, Weinberg disclosed a communication system having adaptable message information formats. Just as Ram's invention, Weinberg's system is capable of receiving message information in a plurality of formats.

8. Claims will be discussed in more detail below. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a server apparatus or a computer readable medium are rejected under the same rationale applied to the described claim.

9. The combination of Ram and Weinberg discloses:

- <Claims 1, 12, 19, and 30>

A method in a server configured for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the method comprising: attempting retrieval of a subscriber announcement for the messaging session

from a messaging server based on the subscriber profile information, the subscriber announcement stored in the messaging server as a first data file having a first size (Weinberg, column 8, line 62 through column 9, line 14); determining an unavailability of the subscriber announcement for the messaging session from the messaging server (Weinberg, column 9, lines 39-41); retrieving from the directory server an audible subscriber identifier, stored in the directory server as a second data file having a second size substantially smaller than the first size, based on the determined unavailability of the subscriber announcement (Weinberg, column 9, lines 42-48); and playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier (Weinberg, column 9, lines 54-57).

Ram did not explicitly state that his system could supply an alternate greeting after determining the unavailability of a first greeting. However he does speak extensively about the services offered to subscribers of his communications system, including personalized voicemail options. In addition, Weinberg's system discusses the situation where a first communication becomes unavailable, or is not allowed, due to an inefficient use of the available system resources. See column 9, lines 21-39. Here Weinberg's system is able send a new message in an acceptable format that can be transferred through the network correctly. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the unified calling system with voicemail greetings as provided by Ram by adding the ability for those voicemail greetings to be adaptable to the transfer situation as provided by Weinberg. This would make sense because it would

help solve Ram's goal of creating an easier to use multimedia communications network.

See Background. Namely, it would allow the user even more voicemail support alternatives.

- <Claims 2, 13, 20, and 31>

The method of claim 1, wherein the attempting retrieval step includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (Ram, column 8, lines 23-32).

- <Claims 3, 14, 21, and 32>

The method of claim 2, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP (Ram, column 13, lines 45-52).

- <Claims 4, 15, 22, and 33>

The method of claim 3, wherein the determining step includes determining a failure of the login procedure (Ram, column 13, lines 53-56).

- <Claims 5, 23, and 34>

The method of claim 2, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (Ram, column 9, lines 3-10).

- <Claims 6, 24, and 35>

The method of claim 5, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber, the playing step including playing a generic announcement and the audible subscriber announcement as the alternate subscriber identifier (Ram, column 13, lines 1-8).

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The cited lines refer to the use of a voicemail greeting. Furthermore, it was well known in the art at the time of the applicant's invention that voicemail systems utilize generic messages and spoken word recordings. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize such voicemail greetings.

- <Claims 7, 25, and 36>

The method of claim 5, wherein the second data file is a .wav file (Ram, column 8, lines 23-25).

The cited lines refers generally to various message types. Furthermore, the use of WAV files for audio was well known in the art at the time of the applicant's invention. The WAV file is a format in which sounds are stored as waveforms. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize WAV files in such a communications system.

- <Claims 8, 16, 26, and 37>

The method of claim 1, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (Ram, column 9, lines 3-10).

- <Claims 9, 27, and 38>

The method of claim 1, further comprising: recording a message during the messaging session; and storing the message in a delivery queue for delivery to the messaging server (Ram, column 18, lines 17-27).

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- <Claims 10, 17, 28, and 39>

The method of claim 9, further comprising periodically attempting delivery of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs (Ram, column 16, lines 45-50).

- <Claims 11, 18, 29, and 40>

The method of claim 1, further comprising storing in the directory server the audible subscriber identifier, at a location associated with the corresponding subscriber profile information, prior to the retrieving step (Ram, column 13, lines 4-8).

Since the combination of Ram and Weinberg discloses all of the above limitations, claims 1-40 are rejected.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 703-308-6165. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
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